

1 The Honorable Richard A. Jones  
2 Hearing Date: January 8, 2016  
3 Location: US Courthouse/ Seattle  
4 Response Date: January 4, 2016

5

6

7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

10 JENNYL CALUGAS;

11 Plaintiff,

12 v.

13 PATENAUDE & FELIX, A.P.C., a California  
14 Corporation; and MATTHEW CHEUNG, an  
15 individual,

16 Defendants.

17 Case No. 2:15-cv-01332- RAJ

18 MOTION FOR WITHDRAWAL OF  
19 ATTORNEYS

20 NOTE ON MOTION CALENDAR:  
21 January 8, 2016

22 Pursuant to General Rule 2(g)(4)(A), the undersigned attorneys, Christina L. Henry of  
23 Henry, DeGraaff & McCormick, PS, Antoinette M. Davis of Antoinette M. Davis Law, PLLC,  
24 and Kirk Miller of Kirk D. Miller, PS, respectfully move this Court for leave to withdraw as  
25 attorneys for Plaintiff Jennyl Calugas in the above captioned matter.

26 The Local Rules of the U.S. District Court for the Western District of Washington provide  
27 that an attorney who has appeared in a civil case may not withdraw “except by leave of court,”  
which shall be obtained “by filing a motion..... and a proposed order for withdrawal.” LCR  
83.2(b)(1). Such a motion to withdraw must be noted in accordance with the Local Rules of the

1 US District Court for the Western District of Washington and shall include a certification that the  
2 motion was served on the client and opposing counsel. LCR 83.2(b)(1).

3 Pursuant to LCR 83.2(b)(1), attorneys in a civil case will ordinarily be granted leave to  
4 withdraw until sixty days before the discovery cut-off date in a civil case. Under the Washington  
5 State Rules of Professional Responsibility, a lawyer may withdraw from representing a client if  
6 the withdrawal will not create a materially adverse effect on the interests of the client. In the instant  
7 matter, the undersigned attorneys maintains that the prosecution of this lawsuit will not be  
8 disrupted by withdrawal of Plaintiff's counsel. A **trial date is set for January 23, 2017** and the  
9 **discovery cut-off is set for September 26, 2016.**

10 The Washington Rules of Professional Conduct specifically permit a lawyer to withdraw  
11 when good cause for withdrawal exists. Wash.R.Prof'l Conduct 1.16(b)(7). This case has just  
12 begun and the only pressing deadline in this case regards the Plaintiff's delayed replies to  
13 interrogatory and requests for production propounded by Defendants Patenaude & Felix, A.P.C.  
14 and Matthew Cheung. There has been a breakdown in the professional relationship and  
15 communication between the Plaintiff and her attorneys is such that effective representation is  
16 impossible. Plaintiff's counsel requests that the court allow an additional fifteen days after entry  
17 of this order for withdrawal of counsel to allow Plaintiff time to seek the assistance of new counsel  
18 prior to their delivery, without waiver of any discovery objections due to their delay.

19 Upon this basis, and having complied with the Local Rules, Christina L. Henry of Henry,  
20 DeGraaff & McCormick, PS, Antoinette M. Davis of Antoinette M. Davis Law, PLLC, and Kirk  
21 Miller of Kirk D. Miller, PS respectfully request permission to withdraw as counsel for Plaintiff  
22 Jennyl Calugas.

1 DATED this 18th day of December, 2015.  
2

3 */s/ Christina L Henry*  
4 Christina Latta Henry, WSBA #31273  
5 HENRY DEGRAAFF & MCCORMICK, PS  
6 1833 North 105th Street, Suite 203  
7 Seattle, WA 98133-8973  
8 Telephone: (206) 330-0595  
9 Facsimile: (206) 400-7609  
10 Email: [cherry@HDM-legal.com](mailto:cherry@HDM-legal.com)

11 */s/ Antoinette M Davis*  
12 Antoinette M. Davis, WSBA# 29821  
13 Antoinette M Davis Law, PLLC  
14 528 Third Avenue West, Suite 102  
15 Seattle, WA 98119  
16 Telephone: (206) 486-1011  
17 Facsimile: (206) 905-5910

18 */s/ Kirk D. Miller*  
19 Kirk D. Miller, WSBA# 40025  
20 421 W Riverside Ave, Ste 704  
21 Spokane, WA 99201  
22 Tel# 509-413-1494  
23 Fax# 509-413-1724

24 *Attorneys for Plaintiff*  
25  
26  
27

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Marc Rosenberg [lawyermarc@comcast.net](mailto:lawyermarc@comcast.net), [mr@leesmart.com](mailto:mr@leesmart.com)  
Antoinette Marie Davis [sam@toniedavislaw.com](mailto:sam@toniedavislaw.com), [incoming@toniedavislaw.com](mailto:incoming@toniedavislaw.com),  
[tonie@toniedavislaw.com](mailto:tonie@toniedavislaw.com), [admin@toniedavislaw.com](mailto:admin@toniedavislaw.com), [rebecca@toniedavislaw.com](mailto:rebecca@toniedavislaw.com)  
Kirk D Miller [relston@millerlawspokane.com](mailto:relston@millerlawspokane.com), [kmiller@millerlawspokane.com](mailto:kmiller@millerlawspokane.com)  
C Steven Fury [scott@furyduarte.com](mailto:scott@furyduarte.com), [steve@furyduarte.com](mailto:steve@furyduarte.com), [tonya@furyduarte.com](mailto:tonya@furyduarte.com)  
[stefanie@furyduarte.com](mailto:stefanie@furyduarte.com)  
Vonda Michell Sargent [sisterlaw@me.com](mailto:sisterlaw@me.com), [fishwithme119@gmail.com](mailto:fishwithme119@gmail.com),  
[krysta.renton@icloud.com](mailto:krysta.renton@icloud.com)

and I hereby certify that I mailed the document via US Postal Service first class and Certified Mail on December 18, 2015 to the Plaintiff Jennyl Calugas at the following address:  
14027 35th Avenue NE, Seattle, WA 98125

I also emailed notification of such filing to the following email addresses:

Jennyl Calugas – [jennyljoy@gmail.com](mailto:jennyljoy@gmail.com)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED in Seattle, WA this 18th day of December, 2015

/s/ Christina L Henry  
Christina L. Henry